

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Kenneth Cook, Jr.,

Civ. No. 22-2734 (PAM/JFD)

Plaintiff,

v.

ORDER

Sterns County,¹

Defendant.

This matter is before the Court on the Report and Recommendation (“R&R”) of Judge John F. Docherty dated November 30, 2022. (Docket No. 4.) The R&R recommends dismissal of Plaintiff Kenneth Cook, Jr.’s claims without prejudice for failure to state a claim under 28 U.S.C. § 1915A(b)(1). Cook did not file any objections to the R&R, and the time to do so is now past. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 4) is **ADOPTED**;

¹ As the R&R notes, it appears that Plaintiff intended to name Stearns County, not Sterns County, as the Defendant in this matter. (R&R (Docket No. 4) at 1 n.1.)

2. The Complaint (Docket No. 1) is **DISMISSED without prejudice**; and

3. The Application to Proceed in forma pauperis (Docket No. 3) is **DENIED**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: December 21, 2022

s/Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge